Case No. 07-5944-JST, MDL No. 1917

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Upon consideration of the Toshiba Defendants' Administrative Motion to File Documents Under Seal Pursuant to Civil Local Rules 7-11 and 79-5(d) ("Administrative Motion"), submitted in connection with Toshiba's Objections to Special Master's Recommended Order Dated October 21, 2015 Re Plaintiffs' Motion to Compel Supplemental Discovery from Toshiba and Panasonic ("Toshiba's Objections"), and the Declaration of Jonathan C. Black II in Support of Toshiba's Administrative Motion, this Court finds that Exhibits 4-12 to the Declaration of Matthew Frutig in Support of Toshiba's Objections contain confidential, non-public information about the Toshiba Defendants' sales practices, business and supply agreements, and competitive positions. They describe relationships with companies — including customers and vendors — that remain important to the Toshiba Defendants' competitive positions. Publicly disclosing this sensitive information presents a risk of undermining the Toshiba Defendants' relationships, would cause harm with respect to the Toshiba Defendants' competitors and customers, and would put the Toshiba Defendants at a competitive disadvantage. For these reasons, this Court finds that the documents are "entitled to protection under the law" pursuant to Civil Local Rule 79-5(b), and that, under Rule 26(c) of the Federal Rules of Civil Procedure, good cause exists for this Court to maintain the documents listed in paragraph 5 under seal. Kamakana v. City & Cnty. of Honolulu, 447 F.3d 1172, 1180 (9th Cir. 2006) ("A 'good cause' showing under Rule 26(c) will suffice to keep sealed records attached to non-dispositive motions.") (citing Foltz v. State Farm Mutual Auto. Ins. Co., 331 F.3d 1122, 1135 (9th Cir. 2003)). Therefore, it is hereby:

ORDERED that the Administrative Motion is GRANTED; and it is further

ORDERED that the Clerk shall maintain under seal Exhibits 4-12 to the Declaration of Matthew Frutig in Support of Toshiba's Objections, specifically Exhibits 4-8, 11 and 12 in their entirety, and the redacted portions of Exhibits 9 and 10.

IT IS SO ORDERED.	
Dated:	
	HONORABLE JON S. TIGAR

[PROPOSED] ORDER GRANTING THE TOSHIBA DEFENDANTS' ADMINISTRATIVE MOTION TO FILE DOCUMENTS UNDER SEAL PURSUANT TO CIVIL LOCAL RULES 7-11 AND 79-5(d)

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UNITED STATES DISTRICT JUDGE